



STEIN | SAKS, PLLC

YAAKOV SAKS▲*
JUDAH STEIN▲
ELIYAHU BABAD▲
MARK ROZENBERG▲
HASAN SIDDIQUI▲
RAMI SALIM▲

▲ NJ Bar Admissions

▪ NY Bar Admission

*Federal Court Bar Admissions

AR, CT, CO, DC, IL, MI, MO, ND, NE, NM, TN, TX, WI

One University Plaza, Suite 620, Hackensack, NJ 07601 | tel: 201.282.6500 | fax: 201.282.6501 | www.steinsakslegal.com

December 11, 2024

Via CM/ECF

The Honorable Joseph A. Marutollo
United States District Court
Eastern District of New York

RE: *Hernandez v. Modern Furniture, Inc.*
Case No.: 1:24-cv-07630-KAM-JAM

Dear Judge Marutollo:

I represent plaintiff Timothy Hernandez in this matter, and submit this letter pursuant to the order of December 4, 2024, to apprise the Court of the basis for Plaintiff's proper service of defaulting defendant, Modern Furniture, Inc.

(a) The grounds on which Plaintiff asserts that he has properly served Defendant

As stated in the Affirmation of Service filed by Plaintiff (Doc 6), Defendant was served at its business address, 89-18 Queens Blvd., Elmhurst, NY on November 12. Significantly, this is the very address that Defendant lists for service of process in New York's Department of State Records. (See Exhibit A) Therefore, service of the summons and complaint was proper. As such, Plaintiff did not serve the New York Secretary of State.

(b) Whether Plaintiff has, in its possession, any contact phone number, email address, or any other property address(es) for Defendant

Plaintiff is in possession of Defendant's phone number and email address, but is not aware of another property address.

(c) What efforts, if any, Plaintiff has made to determine Defendant's proper service address or contact information, including any email address and phone number

Plaintiff's counsel determined Defendant's proper service address from the New York Secretary of State's Division of Corporations records. (See Exhibit A) Plaintiff's counsel obtained Defendant's email address and phone number from Defendant's website.



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At this time, Plaintiff respectfully requests the Clerk's Certificate of Default so that he can mail it to Defendant's business address.

We thank the Court for its kind consideration and courtesies.

Respectfully Submitted,

/s/ Mark Rozenberg

By: Mark Rozenberg, Esq.